

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

SANDRA JEAN VALENCIA,

Petitioner,

v.

ORDER

Criminal File No. 03-288 (MJD/JGL)

Civil File No. 05-968 (MJD/JGL)

UNITED STATES OF AMERICA,

Defendant.

On June 24, 2005, this Court issued an Order denying Petitioner's Motion to Vacate, Set Aside, or Correct her Sentence Pursuant to 28 U.S.C. § 2255 [Docket No. 70]. [Docket No. 73] On July 5, 2005, Petitioner Sandra Jean Valencia filed a pro se reply in support of her motion. The Court has reviewed Petitioner's reply and concludes that its June 24 Order still stands. Petitioner raises only one new issue in her reply: she alleges that, at her plea hearing, the Court informed her that she waived her right to file a direct appeal. In fact, the Court informed Petitioner that she would not be able to appeal the issue of whether there was a factual basis for her plea. See, e.g., United States v. Kempis-Bonola, 287 F.3d 699, 701 (8th Cir. 2002) ("By entering an unconditional guilty plea, a criminal defendant waives the right to appeal all nonjurisdictional defects.").

IT IS HEREBY ORDERED that the Court's Order of June 24, 2005 [Docket No. 73] remains unchanged.

Dated: September 1, 2005

s/ Michael J. Davis
Judge Michael J. Davis
United States District Court